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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON
 EUGENE DISTRICT

KARA LYNNE SISLEY,
 Plaintiff,
 vs.

CHANDA CORPORATION DBA
 CIDDICI'S PIZZA AND TARIQ
 SIDDIQUI
 Defendants.

) Case No. **CV'10-6237** **TC**

) **COMPLAINT-STATE STATUTORY**
) **DISCRIMINATION; TITLE VII**
) **DISCRIMINATION; INFLECTION OF**
) **EMOTIONAL DISTRESS; WRONGFUL**
) **TERMINATION**

Plaintiff alleges:

JURISDICTION

1.

Jurisdiction is conferred upon this Court by 28 U.S.C. § 1331 and brought pursuant to claims under 42 USC § 2000. Plaintiff requests a jury trial in this matter.

2.

Jurisdiction is appropriate for this Court after plaintiff's receipt of a right to sue letter from the Equal Employment Opportunity Commission and the Oregon Bureau of Labor and Industries dated May 27, 2010.

RET.# # 35087

SUPPLEMENTAL JURISDICTION

3.

This Court has supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367. Plaintiff's state law claims are so closely related to her federal law claims that they form part of the same case or controversy under Article III of the United States Constitution.

VENUE

4.

Venue is appropriate in this Court under 28 U.S.C. § 1391 because the events giving rise to this complaint occurred in Linn County, Oregon. Plaintiff requests a jury trial in this matter.

5.

Plaintiff and defendants are resident in Linn County, Oregon. Defendant has employed more than fifteen employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

FACTUAL ALLEGATIONS

6.

Plaintiff is woman who was employed by Ciddici's Pizza from October, 2008 to August, 2009.

7.

Almost on a daily bases Tariq Siddiqui (Siddiqui) would approach plaintiff and place his hands on her body. He would rub her shoulders and the small of her back. He would also hug plaintiff and attempt to pull her close to him by putting his arms around plaintiff's waist and pulling plaintiff towards him.

//

1 8.

2 When Siddiqui would walk past plaintiff and wanted her to
3 move out of his way, he would not ask her to move. Siddiqui
4 always physically touched plaintiff and moved her out of the way
5 by placing his hand on her body.

6 9.

7 Plaintiff asked Siddiqui to not touch her many times. One
8 time plaintiff requested that Siddiqui no longer touch her, at
9 the time he had both of his hands on her arm. He replied "oh
10 okay, sorry, sorry." He left plaintiff alone for a few days,
11 then it started again. Siddiqui walked past plaintiff and
12 brushed his hand firmly across her butt. The following Saturday
13 evening, plaintiff was making a pizza and Siddiqui came up
14 behind her and placed both of his hands on her hips in an
15 inappropriate manner.

16 10.

17 On Thursday May 14, 2009, there were at least two different
18 occasions Siddiqui came up to plaintiff and rubbed her back.
19 This was after she had asked Siddiqui to stop touching her.
20

21 11.

22 On Friday May 15, 2009, Siddiqui came up to plaintiff and
23 started rubbing or caressing her arm. This was after she had
24 asked Siddiqui to stop touching her.

25 12.

26 On Saturday May 16, 2009, Siddiqui came up from behind
27 plaintiff and ran his hand from her left shoulder down to her
28

1 waist. This was after she had asked Siddiqui to stop touching
2 her.

3 13.

4 On Sunday May 17, 2009, Siddiqui came up to plaintiff and
5 said "you know I love you baby."

6 14.

7 On Monday May 18, 2009, Siddiqui, David a co-worker, and
8 plaintiff were standing watching camera footage on T.V.
9 Siddiqui then placed his hand on the left side of plaintiff's
10 neck and started rubbing or caressing her downward, first her
11 neck, then her shoulder, and then down to her waist.

12 15.

13 Siddiqui would do sexual explicit things behind plaintiff's
14 back. On one occasion, Brian, informed plaintiff that as she
15 was bending over to empty garbage, Siddiqui was behind her
16 making motions as if he were smacking plaintiff's butt or
17 spanking plaintiff. Plaintiff has witness Siddiqui touch and
18 make comments about other employees throughout the time she
19 worked at Ciddici's Pizza.

20 **FIRST CLAIM-STATE STATUTORY DISCRIMINATION**

21 **(Count 1- Sex Discrimination)**

22 16.

23 Plaintiff realleges paragraphs 1-15. According to ORS
24 659A.030(1)(a) and (b), it is an unlawful employment practice,
25 "for an employer, because of an individual's race, religion,
26 color, sex, national origin, marital status or age if the
27 individual is 18 years of age or older, . . . to refuse to hire
28

1 or employ or to bar or discharge from employment such individual
 2 [or] . . . to discriminate against such an individual in
 3 compensation or in terms, conditions, or privileges of
 4 employment." Discrimination committed by the defendants as
 5 alleged above, affected plaintiff's employment opportunities,
 6 compensation, terms, conditions, and privileges of employment in
 7 violation of this statute.

8 17.

9 Plaintiff suffered from discrimination based on her sex as
 10 described in the paragraphs above. Defendants' adverse
 11 employment actions toward plaintiff negatively affected her
 12 terms, conditions, and privileges of employment in violation of
 13 ORS 659A.030 (a) and (b).

14 18.

15 Plaintiff has suffered economic and non-economic damages in
 16 an amount to be determined at trial, as a result of defendants
 17 discrimination, plaintiff requests equitable relief including
 18 back pay and reasonable attorney fees and costs pursuant to ORS
 19 659A.885.

20 **(Count 2-Retaliation Sex Discrimination)**

21 19.

22 Plaintiff realleges paragraphs 1-18. According to ORS
 23 659A.030(1)(f), it is an unlawful employment practice, "for any
 24 person to discharge, expel or otherwise discriminate against any
 25 other person because that other person has opposed any unlawful
 26 practice, or because that other person has filed a complaint,
 27 testified or assisted in any proceeding under this chapter or
 28

1 has attempted to do so." Discrimination committed by the
2 defendants, as alleged above, affected plaintiff's employment
3 opportunities, compensation, terms, conditions, and privileges
4 of employment in violation of this statute.

5 20.

6 Plaintiff suffered from retaliation based on her complaints
7 of sexual discrimination as described in the paragraphs above.
8 Defendants' retaliation toward plaintiff negatively affected her
9 terms, conditions, and privileges of employment in violation of
10 ORS 659A.030(1)(f).

11 21.

12 Plaintiff has suffered economic and non-economic damages in
13 an amount to be determined at trial, as a result of defendants'
14 discrimination, plaintiff requests equitable relief including
15 back pay and reasonable attorney fees and costs pursuant to ORS
16 659A.885.

17 **(Count 3-Hostile Work Environment Sex Discrimination)**

18 22.

19 Plaintiff realleges paragraphs 1-21. According to ORS
20 659A.030(1)(b), it is an unlawful employment practice, "for an
21 employer, because of an individual's race, religion, color, sex,
22 national origin, marital status or age if the individual is 18
23 years of age or older, . . . to discriminate against such an
24 individual in compensation or in terms, conditions or privileges
25 of employment." Discrimination committed by defendants affected
26 plaintiff's employment opportunities, terms, conditions and
27 privileges of employment in violation of the statute.
28

23.

Plaintiff suffered from discrimination in the form of a hostile work environment based on her sex. Defendants' discrimination negatively affected plaintiff's employment in violation of ORS 659A.030(1)(b).

24.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial, as a result of defendants' discrimination, plaintiff requests equitable relief including back pay and reasonable attorney fees and costs pursuant to ORS 659A.885.

SECOND CLAIM-VIOLATION OF TITLE VII

(Count 1-Sex Discrimination, 42 U.S.C. § 2000e)

25.

Plaintiff realleges paragraphs 1-24. 42 U.S.C. § 2000e-2(a) provides: "it shall be an unlawful employment practice for an employer" to discharge an individual, "or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individuals race, color, religion, sex, or national origin . . .".

26.

Plaintiff is a woman. Defendants' employed plaintiff during the time in question. During the course of plaintiff's employment with defendants, plaintiff suffered from discrimination based on her sex. Incidents of sexual discrimination committed by defendants resulted in plaintiff

1 being denied compensation, and adversely affected plaintiff's
2 terms, conditions, and privileges of employment in violation of
3 42 U.S.C. § 2000e-2(a).

4 27.

5 Defendants discriminated against plaintiff in the terms,
6 conditions, and privileges of her employment on the basis of her
7 sex. As a result of this discrimination, plaintiff was denied
8 compensation, and adversely affected plaintiff's terms,
9 conditions, and privileges of her employment.

10 28.

11 Plaintiff has suffered economic and non-economic damages in
12 an amount to be determined at trial, as a result of defendants'
13 discrimination, plaintiff requests equitable relief including
14 back pay and reasonable attorney fees and costs pursuant to 42
15 U.S.C. § 1988.

16 **(Count 2-Retaliation Sex Discrimination, 42 U.S.C. § 2000e)**

17 29.

18 Plaintiff realleges paragraphs 1-28. 42 U.S.C. § 2000e-3
19 provides in relevant part: "it shall be an unlawful employment
20 practice for an employer to discriminate against any of his
21 employees . . . because he has opposed any practice made an
22 unlawful employment practice by this sub-chapter."

23 30.

24 Plaintiff complained about being treated differently due to
25 her sex. After this complaint, defendants retaliated against
26 plaintiff.

27 //
28

31.

Defendants retaliation toward plaintiff, because she complained about sex based discriminatory conduct, constitutes a violation of 42 U.S.C. § 2000e-3(a) for which plaintiff is entitled to relief.

32.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial, as a result of defendants' discrimination, plaintiff requests equitable relief including back pay and reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

(Count 3-Hostile Work Environment Sex Discrimination, 42 U.S.C. § 2000e)

33.

Plaintiff realleges paragraphs 1-32. During the course of plaintiff's employment with defendant, plaintiff suffered from discrimination based on her sex. Incidents of sexual discrimination committed by defendants resulted in plaintiff being denied compensation, and adversely affected plaintiff's terms, conditions, and privileges of her employment in violation of 42 U.S.C. § 2000e-2(a).

34.

Defendants' actions created a hostile work environment toward woman that plaintiff was subjected to.

35.

Defendants' hostile work environment and the actions of its employees, as provided in the paragraphs above, affected

1 plaintiff's ability to perform her job, and caused plaintiff to
2 suffer emotional distress in the performance of her job.

3 36.

4 Defendants' hostile work environment toward plaintiff,
5 because she is a woman, constitutes a violation of 42 U.S.C. §
6 2000e-2(a) for which plaintiff is entitled to relief.

7 37.

8 Plaintiff has suffered economic and non-economic damages in
9 an amount to be determined at trial, as a result of defendants'
10 discrimination, plaintiff requests equitable relief including
11 back pay and reasonable attorney fees and costs pursuant to 42
12 U.S.C. § 1988.

13 **THIRD CLAIM-INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

14 38.

15 Plaintiff realleges paragraphs 1-37. Plaintiff had an
16 employer-employee relationship with defendants. Defendants knew
17 that the aforementioned conduct would cause severe mental or
18 emotional distress or acted despite a high degree of probability
19 that the mental or emotional distress would result.

20 39.

21 Defendants' conduct caused plaintiff severe mental or
22 emotional distress from the foreseeable highly unpleasant
23 emotional reactions including fright, grief, shame, humiliation,
24 embarrassment, anger, disappointment, and worry. Plaintiff has
25 also suffered from depression as a result of being subjected to
26 defendants' discriminatory employment practices.

27 //
28

1 40.

2 Defendants' conduct was an extraordinary transgression of
3 the bounds of socially tolerable conduct or exceeded any
4 reasonable limit of social toleration.

5 41.

6 As a result of defendants' intentional actions, plaintiff
7 has suffered economic damages and non-economic damages in the
8 form of severe emotional distress in an amount to be determined
9 at trial.

10 **FOURTH CLAIM-RECKLESS INFLICTION OF EMOTIONAL DISTRESS**

11 42.

12 Plaintiff realleges paragraphs 1-41. Defendant, Siddiqui,
13 in the course and scope of his employment and ownership
14 recklessly engaged in the aforementioned actions causing severe
15 mental or emotional distress in the form of fright, grief,
16 shame, humiliation, embarrassment, anger, disappointment, worry.
17 Plaintiff has also suffered from depression as a result of being
18 subjected to defendant's actions.

19 43.

20 The aforementioned actions of defendant consisted of an
21 extraordinary transgression of contemporary standards of
22 civilized conduct toward a person in the work environment.

23 44.

24 As a result of defendant's reckless actions, plaintiff has
25 suffered economic damages and non-economic damages in an amount
26 to be determined at trial.

27 //
28

FIFTH CLAIM-WRONGFUL DISCHARGE

45.

Plaintiff realleges paragraphs 1-44. Defendants wrongfully discharged plaintiff from her employment on or about August, 2009.

46.

Defendants wrongfully discharged plaintiff because she exercised a legal right related to her status or role as an employee that is of important public interest.

47.

Plaintiff requested that defendants not discriminate against her. Making these requests is a legal right that is related to plaintiff's status or role as an employee. Making those requests is of important public interest to protect the rights of plaintiff and other employees. Plaintiff had a societal obligation to complain about discrimination in the work place.

48.

As a result of plaintiff's wrongful discharge, plaintiff suffered economic damages and non-economic damages in an amount to be determined at trial.

WHEREFORE, Plaintiff requests the following for her claims for relief:

1. First Claim for Relief against Defendants:

a. Count 1: Plaintiff seeks economic damages non-economic damages in an amount to be determined at trial. Plaintiff seeks recovery of all compensatory damages provided by law, in addition to equitable relief and reasonable attorney fees and costs pursuant to ORS 659A.885.

b. Count 2: Plaintiff seeks economic damages non-economic damages in an amount to be determined at trial. Plaintiff seeks recovery of all compensatory damages provided by law, in addition to equitable relief and reasonable attorney fees and costs pursuant to ORS 659A.885.

c. Count 3: Plaintiff seeks economic damages non-economic damages in an amount to be determined at trial. Plaintiff seeks recovery of all compensatory damages provided by law, in addition to equitable relief and reasonable attorney fees and costs pursuant to ORS 659A.885.

2. For Plaintiff's Second Claim for Relief against Defendants:

a. Count 1: Plaintiff seeks economic damages and non-economic damages in an amount to be determined at trial. Plaintiff seeks recovery of all compensatory damages provided by law, in addition to equitable relief and reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

1 b. Count 2: Plaintiff seeks economic damages and non-
2 economic damages in an amount to be determined at trial.
3 Plaintiff seeks recovery of all compensatory damages provided by
4 law, in addition to equitable relief and reasonable attorney
5 fees and costs pursuant to 42 U.S.C. § 1988.

6
7 c. Count 3: Plaintiff seeks economic damages and non-
8 economic damages in an amount to be determined at trial.
9 Plaintiff seeks recovery of all compensatory damages provided by
10 law, in addition to equitable relief and reasonable attorney
11 fees and costs pursuant to 42 U.S.C. § 1988.

12
13 3. For Plaintiff's Third Claim for Relief against Defendants:
14 Plaintiff requests economic damages and non-economic
15 damages in an amount to be determined at trial.

16
17
18 4. For Plaintiff's Fourth Claim for Relief against Defendants:
19 Plaintiff requests economic damages and non-economic
20 damages in an amount to be determined at trial.

21
22
23 //

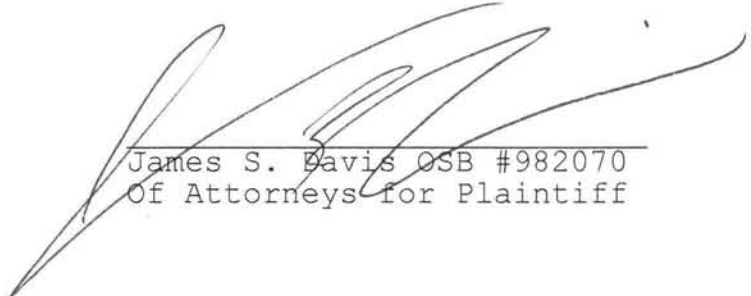
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1 5. For Plaintiff's Fifth Claim for Relief against Defendants:

2 Plaintiff requests economic damages and non-economic
3 damages in an amount to be determined at trial.

4
5
6 DATED this 6 day of August, 2010

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9 
10 James S. Davis OSB #982070
11 Of Attorneys for Plaintiff
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